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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,505	07/20/2001	Gilson Woo		4913

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EXAMINER

VENIAMINOV, NIKITA R

ART UNIT PAPER NUMBER

3736

DATE MAILED: 02/25/2004

20

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/909,505

Applicant(s)

WOO, GILSON

Examiner

Nikita R Veniaminov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 16, 17 and 20-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 16, 17 and 20-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on September 08, 2003 and November 15, 2003 have been entered.

Specification

2. The amendment filed on September 08, 2003 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: On page 4, lines 5-8; on page 6, lines 8-9; on page 17, line 13 Applicant changed a range of total flux of $30\Phi - 250,000\Phi$ to a range of total flux of $10\Phi - 250,000\Phi$; and added a 90-degree angle of contact of the north pole to the trunk skin. On page 6, line 6; on page 12, lines 14-15 and line 29 Applicant added a 90 degree angle of magnet contact. Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Objections

3. Claim 1 is objected to because of the following informalities: The phrase "said" in line 7 should read "each". Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-12, 16, 17 and 20-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lopez et al. (US 5720,046). Lopez et al. ('046) teach a method of treating and alleviating afflictions, ailments and diseases holistically by application of magnetism to a plurality of treating regions of the trunk (see abstract, Figures 3-5, 12, 14, 16a-16c and 19a), the method comprising designating a total treating region, wherein said treating region being divided into at least 3 sub-regions (see Figure 1 and column 5, lines 57-65); providing magnet means having at least one north pole surface adapted for application to the plurality of treating regions of the trunk; applying a north pole surface of a magnet to at least one of a plurality of treating regions of the trunk (see Figure 12 and column 8, lines 8-19 and 54-61); contacting the magnets directly to the treating regions of the trunk by using a proper band, wrapper or cover with magnets sewn-in or encased in any shape of form appropriate to fit the treating

regions of the trunk of a person (see abstract and column 8, lines 7-18); the total flux of the magnetic means applied to the at least one of the treating regions of the trunk being in the range from about 30Φ – $250,000\Phi$, but they do not teach a method of treating and alleviating afflictions, ailments and diseases holistically by application of magnetism to a plurality of treating regions of the trunk of a person being treating comprising maintaining the magnet in contact with at least one of the treating regions of the trunk for a period of 15 to 180 minutes to heal and relieve afflictions; repeating the application of the magnet for at least one additional period of time; repeating the time period for treatment at least once in a 24 hour period in an interval of about 2-10 hours in accordance with treatment process; applying the magnet means to treating regions of the trunk of a person concurrently, wherein a total flux of the magnet means applied to the treating regions of the trunk is substantially equal. It would have been obvious to one of ordinary skill in the art at the time of the invention to determine through routine experimentation an appropriate time to achieve healing and relieving effects for afflictions, including the time in the range Applicant provides in the claims.

Response to Arguments

6. Applicant's arguments with respect to claims 1-12, 16, 17 and 20-31 have been considered but are moot in view of the new ground(s) of rejection.

Applicant states that Lopez et al. ('046) do not "teach such method step, like "designating at least three treating regions of the trunk". 1) Division of the trunk

into 3 treating regions based on the balance concept of meridians. 2) Utilizing separate magnet means for each regions of the trunk. 3) The application of the magnet means only to a portion of the trunk.”. However, Examiner states that Applicant does not claim a method of using balance concept of meridians. Further, Lopez et al. ('046) teach a merchandise in the form of torso-worn garments provided with a magnetic structure for affecting therapeutic magnetic exposure when worn by a human user (see column 2, lines 32-37). The incorporated magnetic structure corresponds to at least three designated regions of a trunk (shiatsu meridian lines), and provide even contacting with at least one of the treating regions of the trunk, spaced apart at an equal distance, in horizontal order all the way around the region (see Figures 12-15). With regard to the “balance concept” of the Lopez et al. ('046) teaching, the magnetic exposure is believed to assist stressed cells in restoring their correct balance of electrical charge for performing more efficient healing/therapy (see column 1, lines 44-50). Further, Applicant argues that treating regions of Lopez et al. ('046) are not specifically designated, using the body parts of humanwear as treating regions, which do not produce total healing effect of pain relied for whole body concurrently in 15 minutes to 3 hours; contact magnets to the clothing of T-shirts, brief, pants, gloves, etc., is used for effecting therapeutical magnetic exposure against acupressure points, but no specific effectiveness claimed or disclosed. Examiner states that Lopez et al. ('046) teach therapeutic exposure of the plurality of magnets on selected (body) regions, and the result of such

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therapeutic exposure is healing, alleviating afflictions, ailments and diseases.

Plurality of magnet means are adapted for application to the plurality of treating regions of the body as shown on Figures 1, 2 and 12-15. Further, Applicant argues about "the concept of the energy balance of the human body", but this concept is not in the claimed subject matter. Examiner further states that Lopez et al. ('046) use magnets of 800 gauss with the size of 0.03"D x 0.05"T to 2.0"D X 0.5"T which provide the total flux of 200 gauss for each magnet, and for the area of the trunk the total flux will be in the range from about 30Φ – $250,000\Phi$.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nikita R Veniaminov whose telephone number is (703) 605-0210. The examiner can normally be reached on Monday-Friday 8 A.M.-5 P.M..

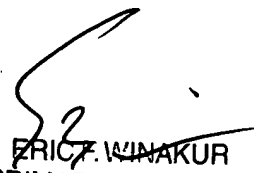
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max F Hindenburg can be reached on (703) 308-3130. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nikita R Veniaminov
Examiner
Art Unit 3736

February 09, 2004.



ERIC WINAKUR
PRIMARY EXAMINER